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S E C R E T SECTION 01 OF 03 COLOMBO 000344

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DEPARTMENT FOR SCA/INS

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [MOPS](#) [CE](#)

SUBJECT: SRI LANKA: REPORT BLAMES GOVERNMENT FOR "TRINCO 5"
AND ACF KILLINGS

REF: A. 07 COLOMBO 00746

[1](#)B. 08 COLOMBO 00264

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

[1](#)1. (C) Summary: On April 1, the prominent Sri Lankan human rights group University Teachers for Human Rights (Jaffna) released a lengthy report on two cases that have received significant international attention: the murders of five Tamil youths in Trincomalee in January 2006, and the killing of 17 Action Contre La Faim (ACF) local aid workers in Muttur in August 2006 (reftel A and B). The report's key conclusions are that government security forces carried out the murders, likely with the complicity or on instructions of superiors, and that the Sri Lankan government has actively sought to cover up these facts for the past two years. Despite the report's accusatory tone, post believes that the facts cited in the report are to a large extent accurate. The onus is now on the government to do something with this information. End summary.

The "Trinco 5" Case

[1](#)2. (S) On January 2, 2006, five Tamil youths were murdered in Trincomalee. In a May 21, 2007 meeting, International Independent Group of Eminent Persons (IIGEP) Assistant David Savage shared with Poloff a witness account of the killings (reftel A). The witness, who is the father of one of the young men killed, claimed that Sri Lankan military and Special Task Force (STF) were involved in the incident and that he could identify the officers involved. In addition, his account indicated alarming links between the "Trinco 5" and ACF cases. The STF officer identified by the witness as ordering the deaths of the 5 young men was, as of May 2007, the Chief Investigator for the ACF case in Muttur. Moreover, one of the victims in the ACF case was the brother of one of the victims in the Trincomalee case -- a link with which the UTHR(J) report deals extensively.

Action Contre la Faim

13. (C) In August 2006, 17 mainly Tamil ACF aid workers were killed in an ACF compound in the predominantly Muslim northeastern town of Muttur. Their bodies were found lying face down with bullet marks in their heads. At the time, it was the deadliest attack on humanitarian aid workers since the 2003 bombing of UN headquarters in Baghdad. The massacre took place in the aftermath of a battle for control of the town between government security forces and the LTTE. Before its departure from the country, the Nordic Sri Lankan Monitoring Mission (SLMM) accused the government of orchestrating the killings, on the grounds that government forces were in full control of Muttur at the time of the incident. The GSL maintained that the police and security forces were innocent by claiming that the LTTE was in control of the center of Muttur at the time of the killings.

COI Making Slow Progress on the ACF Case

14. (C) The Presidential Commission of Inquiry (CoI) is addressing the ACF case, one of 16 total cases under its purview. IIGEP was thus observing progress on the case before its formal withdrawal on March 31 (reftel B). There has been disturbingly little progress in the government's investigation of the case. In April 2007, the International Commission of Jurists (ICJ) reported that police reports from the outset indicated an official presumption that the LTTE had committed the killings, and that collection of evidence had been incomplete and inadequate. In addition, after the Muttur Magistrate had conducted three hearings in the inquest, the GSL transferred the case to the Anuradhapura

COLOMBO 00000344 002 OF 003

Magistrate, which the ICJ called an "unwarranted interference in the proceedings." Minister for Human Rights Mahinda Samarasinghe recently said that while IIGEP's withdrawal was "regrettable," he was confident that the inquiry into the ACF murders, as well as the "Trinco 5" killings, would meet international standards.

15. (C) UTHR(J) said that publishing its report was risky, as three witnesses in the ACF case had already been killed, a fourth had gone missing, and others had fled the country. This aligns with information from other embassy contacts (reftel A). On March 27, the CoI held an open hearing into the incident. One witness, the man who first told police about the killings, sent a letter saying he could not attend because of security fears. Another witness testified on condition that his name would not be published, nor his picture taken.

16. (C) Foreign Secretary Palitha Kohona cited a witness protection bill currently in Parliament that would allay witnesses' fears. Post has not seen successive drafts of this legislation, but the IIGEP witness protection expert told us that the bill would do little other than pay per diem and transportation costs for witnesses. The expert said it would do little if anything to protect them, and might be dangerous in that it would lull witnesses into a false sense of security.

17. (C) In response to an appeal by former IIGEP Chair P.N. Bhagwati to maintain some kind of international monitoring of the CoI's public work (in the wake of IIGEP's withdrawal), Poloff attended portions of an April 3 CoI open hearing, which dealt with both the ACF and Trinco 5 cases. One witness testified in person on the ACF killings. Poloff has arranged a roundtable of former IIGEP donor country representatives, to privately discuss rotating coverage of future CoI hearings.

Background on UTHR(J)

18. (C) UTHR(J) has been criticised by both sides throughout

the conflict and has received international human rights awards for its work. The group was initially more critical of the LTTE, and both its founders now live overseas because of threats to their lives in Sri Lanka by the Tigers - not the GSL. The report is meticulous in its account of available evidence. Its conclusions correspond to a large degree with those of the Eminent Persons and other embassy contacts. The report identifies suspect security forces (police constables, and members of the Muslim Home Guard and Special Task Force) by name. It postulates that in the ACF case, then-Deputy Inspector General of Police Rohan Abeywardene (now in charge of all police operations in Colombo) and Senior Superintendent of Police Kapila Jayasekera (now personal assistant to Deputy Inspector General Mahinda Balasuriya, head of STF) instructed that the aid workers be killed.

GSL Issues a Balanced Response

¶9. (C) The Secretariat for Coordinating the Peace Process (SCOPP) was the first government body to release a public statement in response to the UTHR(J) report. The statement is noteworthy among recent SCOPP products for its unusually balanced tone (Prof. Rajiva Wijesinha, the statement's author, has been issuing tendentious, hardline propaganda tracts since replacing Foreign Secretary Kohona as SCOPP's Secretary General in 2007). It praises UTHR as having

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"generally been one of the most hardworking and conscientious of organizations in its defense of human rights;" yet also points out where the new report revises earlier assertions by UTHR, and says "we believe (UTHR is) mistaken in some of

COLOMBO 00000344 003 OF 003

their assertions." SCOPP states that UTHR is "right in asserting that the matter should be investigated thoroughly and there should be no cover up" - and even proposes that some of the report's points "should be taken into account in the ongoing investigation."

¶10. (U) According to a British newspaper, Foreign Minister Rohitha Bogollagama said in response to the report, "We want the truth to come out." Asked why the CoI has not completed its investigation after 18 months, Bogollagama replied, "We can't dictate the course of justice, we can only encourage the process by facilitating its work." He also said, "If they (UTHR) have eyewitnesses and direct evidence, let them come forward. We welcome that."

Other Responses to Report

¶11. (C) ACF issued a statement on April 1, calling for "an international inquiry to fully investigate" the murders. (It is unclear what form such an international inquiry would take, as the recent international observation effort, the IIGEP, just ended its mission.) ACF said that in the UTHR(J) report, "trails of responsibility are disclosed that have never before been mentioned" during the GSL investigations of the past year and a half.

¶12. (C) The findings of UTHR(J) cannot come as a surprise to the most powerful people in Sri Lanka. Justice T. Sunthevalingam, appointed Special Rapporteur on Extra-Judicial Killings by President Mahinda Rajapaksa, sent a report to the President about a year ago, which was produced in only 15 copies. It covered much the same ground as the UTHR(J) report, naming many of the same names. However, the President, on receiving the report, ordered that no one else was to see it and that all other copies be destroyed. (Post has nevertheless managed to see a copy of it.)

¶13. (C) COMMENT: Despite the UTHR report's accusatory tone,

post believes that the facts cited in the report are to a large extent accurate. On the other hand, we regard the final UTHR(J) inference, that the attack on ACF was planned in order to silence a potentially damaging witness, the brother of one of the Trinco 5 victims, as interesting but unproven. The onus is now on the government to do something with this information. Ambassador and other Embassy officials have consistently urged publicly and privately that the GSL prosecute and punish those responsible for the Trincomalee and ACF cases. There clearly is a constituency within the government which realizes that the stories behind these two massacres cannot be contained, and would like to concede the truth about them in order to burnish Sri Lanka's human rights credentials and restore a measure of the GSL's damaged credibility. However, the culture of impunity runs deep, the perpetrators of these crime are well connected, and Sri Lanka's legal apparatus has proven itself over decades as being incapable of bringing most such cases to a successful conclusion. We will be watching closely to see whether the relative moderates in the government are able to prevail and bring the president to overrule the influential hardliners who favor further prevarication.

BLAKE